

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 2, 2004

Regulation Package #0403-10

ERRATA 2 FOR CDSS MANUAL LETTER NO. EAS-03-07

TO: HOLDERS OF THE EAS MANUAL

**Regulations Package #0403-10****Effective 7/1/03****Section 40-107**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Eligibilit\\_617.htm](http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm).

It has been discovered that when the Errata for CDSS Manual Letter No. EAS-03-07 was distributed, the authority and reference citations for Section 40-107 were shown on Page 59 and not on Page 64 where they belong. Please replace the attached pages as follows:

<u>Page(s)</u>	<u>Replace(s)</u>
58.2 and 59	Pages 58.2 and 59
64 and 65	Pages 64 and 65

We are apologize for any inconvenience this may have caused you.

Attachment

EV

**This page is intentionally left blank.**

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
--------	-----------------------------------	--------

- .16 Applicants shall be informed:
  - .161 that they may apply for food stamps at the same time as they apply for AFDC.
  - .162 that, if they apply for food stamps at the same time as they apply for AFDC, they have the right to file a joint application and shall have a single interview for both programs.
  - .163 in written form, and orally as appropriate, of the AFDC and Food Stamp programs, explaining the rules regarding eligibility and benefits available from both programs, and that the application interview for AFDC is sufficient for applying for food stamps.
  - .164 of the availability of paid child care and be given an informing notice (see Section 47-301.2).
- .17 Applicants/recipients shall receive written information at the time of application or at their first redetermination after implementation of GAIN regarding the GAIN Program as to the following:
  - .171 A description of the program;
  - .172 The availability of job training, employment, education and supportive services, including the types and locations of child care services and the assistance available to select and obtain such services, and Transitional Child Care (TCC) Program benefits;

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
--------	-----------------------------------	--------

- .173 The individual's rights and responsibilities;
- .174 The consequences of failure or refusal to participate in the GAIN Program;
- .175 The grounds for exemption from participation in the GAIN Program; and
- .176 The obligations of the county welfare department (CWD) in providing GAIN services.
- .18 Applicants/recipients shall be informed by the CWD orally, as needed, to clarify written information regarding the GAIN Program and/or the requirement for cooperation in establishing paternity and securing support rights.
- .19 The CWD shall provide written notification of the opportunity to express a desire to participate in the GAIN Program and provide a clear description of how to enter the GAIN Program to:
  - .191 Applicants, upon application, but not later than 30 days from the determination of eligibility for aid; and
  - .192 Recipients, at redetermination, but not later than 30 days after being informed in accordance with Section 40-107.16.
- .2 Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his/her capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Sections 44-303, 44-309, and 44-310.

<b>40-107</b>	<b>COUNTY RESPONSIBILITY (Continued)</b>	<b>40-107</b>
---------------	--	---------------

.74 In AFDC-FC when there is no identifying information as specified in Section 40-105.241(a), the case file shall be reviewed at redetermination to determine whether any change occurred that would enable the Social Security Administration to issue an SSN. The eligibility worker shall document the date the review was completed and any changes that have occurred. If new information is available, the parent(s), legal guardian, or relative, (if now available and cooperating) or the placing agency representative shall forward the application for an SSN to the Social Security Administration.

.8 WIC Referrals

The county welfare department shall refer all pregnant recipients of aid to a local provider of the Women, Infants, and Children program.

.9 Domestic Abuse

For instructions on addressing domestic abuse, see Section 42-715.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11268, 11323.3, 11324.8(a) and (f)(1), AB 312, Chapter 1568, Statutes of 1990, 11454(b) and (e), 11495.1, 11500(b), 11502(b), and 11511(a), Welfare and Institutions Code; 42 USC Sections 608(a)(7), 682(c)(2), (3), (4) and (5); 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; 45 CFR 250.20; 45 CFR 250.40(a), (b), (c)(1) and (2); 45 CFR 255.1; 45 CFR 256.1(b), and California Department of Health Services Manual Letter 77-1.

<b>40-109</b>	<b>APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID - GENERAL</b>	<b>40-109</b>
---------------	---	---------------

.1 Right to Apply for Aid

Subject to the limitations set forth in Section 40-117, any person has the right to apply for aid, either on his/her own behalf or on behalf of another. An applicant who appears ineligible must still be allowed to exercise his/her right to make an application.

.2 Right to Choose Type of Aid

A person or his/her representative who believes the applicant meets the eligibility requirements for more than one category of aid has the right to choose the type of aid for which he/she will apply. For an exception, see the Diversion Services regulations found at Section 81-215.32. For children in or in need of foster care placement who are eligible to and/or receive AFDC-FC, see Sections 45-202.212(a) and 45-302.1.

<b>40-109</b>	<b>APPLICANT RIGHTS WITH RESPECT TO APPLICATION FOR AID - GENERAL (Continued)</b>	<b>40-109</b>
---------------	---	---------------

.3 Right to be Considered for Another Program

If a recipient becomes ineligible for the type of aid he/she is receiving but appears eligible under another public social service program, his/her request for aid under such other program is to be recorded and any required additional investigation completed promptly so that there will be no interruption in aid payments to him/her (see Section 40-117). If an eligible recipient in one program appears to be eligible for aid in another program and wishes to take advantage of such eligibility, the same procedure shall be followed.

.4 Applicant's Right to Self-Determination

.41 The right to be self-determining is of paramount importance for the individual in clarifying when, how, and what the individual wants for him/herself. However, his/her freedom of choice may be limited by his/her capacity for self-determination and by the function of the agency as expressed in law and regulations.

.42 It is necessary to respect the individual's right to accept or reject what the agency has to offer him/her.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11266.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

<b>40-115</b>	<b>THE APPLICATION PROCESS</b>	<b>40-115</b>
---------------	--------------------------------	---------------

.1 Purpose

The basic purpose of the application process is to assist the individual in establishing his/her eligibility for aid and services.

.2 Steps in the Application Process

.21 Discussion of Circumstances Leading to Application

.211 The individual with the help of the worker tells why he/she is applying for aid or services, with the worker explaining agency requirements, program limitations, the applicant's rights and responsibilities and what he/she can expect from the agency.